

REMARKS

Request for Reconsideration, Informal Matters & Claims Pending

The application stands subject to a non-final Office Action mailed on 27 October 2010. Reconsideration of the claimed invention in view of any amendments above and the discussion below is respectfully requested.

Claim 14 was canceled.

Claims 1-13 and 15-18 are currently pending.

Arguments re: Kuusinen, Misra & Turner

Rejection Summary

Claims 1-13 and 15-18 stand rejected under 35 USC 103(a) as being unpatentable over EP 1161036 (Kuusinen) in view of U.S. Publication No. 2004/0022209 (Misra) and U.S. Publication No. 2003/0152049 (Turner).

Discussion of Claim 1

Regarding Claim 1, Kuusinen, Misra and Turner fail to suggest a

... method in a wireless communications device, the method comprising:

pre-empting an active packet session with an event;
suspending operation of a dormancy timer initiated upon pre-emption of the active packet session;

re-starting the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session.

Kuusinen describes a wireless communication terminal that operates in either packet mode or circuit mode, but not both modes simultaneously. When the terminal of Kuusinen suspends packet mode operation (to permit transition to circuit mode), the terminal sends a packet to a network server indicating that the server should abort packet transmissions to the terminal. At paragraph [0041], Kuusinen indicates that the terminal may disable its re-transmission timer when switching to the suspend state, and then re-enable the re-transmission timer when the terminal returns to packet mode.

The re-transmission timer in Kuusinen however is different than the “dormancy timer” in the claimed invention. At paragraphs [0012-16], Kuusinen describes the re-transmission timer as a packet mode timer that is set when the terminal (or server) transmits a packet. According to Kuusinen, if the re-transmission timer expires before an ACK is received (in response to transmission of the packet), the packet is re-transmitted. The Examiner’s assertion that Kuusinen describes suspending operation of a dormancy timer in paragraph [0029-32] is incorrect; Kuusinen merely describes a terminal that transitions from packet mode to circuit operating mode in response to a page indicative of an incoming circuit call.

In Claim 1, the dormancy timer is suspended for an event that preempts a packet session. The re-transmission timer of Kuusinen serves a different purpose, i.e., it causes a packet re-transmission in the absence of a timely ACK). Thus there is no reason to suspend operation of the timer in

Kuusinen upon pre-empting a packet session or to re-start a suspended timer in Kuusinen upon completion of the service or application that resulted in pre-emption. Kuusinen does not disclose a “dormancy timer” that functions as claimed and therefore cannot meet the limitations of Claim 1.

The Examiner’s reliance on Misra for teaching preemption of a packet session to prevent race conditions does not remedy Kuusinen’s failure to disclose a dormancy timer.

Turner describes a wireless communication device (WCD) that hands over from a second network to a first network upon expiration of a dormancy timer run on the WCD. At paragraphs [0100-101], Turner describes initiating a dormancy timer when no packets are sent for a specified time period during an established data session on the second network. In Turner, the dormancy timer continues to run in the absence of packet transmissions during the data session. Turner hands off from the second network to the first network upon expiration of the dormancy timer. Thus the dormancy timer of Turner is different than the dormancy timer of Claim 1. Specifically, Turner does not disclose “... suspending operation of a dormancy timer initiated upon pre-emption of the active packet session....” In Turner, the dormancy time continues to runs if no packets are sent and the timer is re-initiated upon transmission of a packet during the data session. Turner also fails to disclose “...re-starting the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session.” Claim 1 is thus patentably distinguished over the Kussinen, Misra and Turner.

Discussion of Claim 7

Regarding Claim 7, Kuusinen, Misra and Tuner fail to suggest a

... method in a wireless communications device, the method comprising:
pre-empting an active packet session with an event;
suspending initiation of a dormancy timer that would otherwise be initiated after pre-emption of the packet session;
initiating the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session.

The re-transmission timer in Kuusinen is different than the “dormancy timer” in the claimed invention. At paragraphs [0012-16], Kussinen describes the re-transmission timer as a packet mode timer that is set when the terminal (or server) transmits a packet. According to Kuusinen, if the re-transmission timer expires before an ACK is received (in response to transmission of the packet), the packet is re-transmitted. The Examiner’s assertion that Kuusinen describes suspending operation of a dormancy timer in paragraphs [0029-32 & 0035-38] is incorrect; Kuusinen merely describes a terminal that transitions from packet mode to circuit operating mode in response to a page indicative of an incoming circuit call.

Claim 7 requires suspending initiation of a dormancy timer that would otherwise be initiated after pre-emption of a packet session and later initiation of the suspended dormancy timer upon completion of a service or an application associated with an event that precipitates pre-emption of the packet session. The re-transmission timer of Kuusinen serves a different purpose, i.e., it causes a packet re-transmission in the absence of a timely

ACK). Thus there is no reason to suspend initiation of the timer in Kuusinen upon pre-empting a packet session or to initiate the suspended timer in Kuusinen upon completion of the service or application that resulted in pre-emption. Kuusinen does not disclose a "dormancy timer" that functions as claimed and therefore cannot meet the limitations of Claim 7.

The Examiner's reliance on Misra for teaching preemption of a packet session to prevent race conditions does not remedy Kuusinen's failure to disclose a dormancy timer.

Turner describes a wireless communication device (WCD) that hands over from a second network to a first network upon expiration of a dormancy timer run on the WCD. At paragraphs [0100-101], Turner describes initiating a dormancy timer when no packets are sent for a specified time period during an established data session on the second network. In Turner, the dormancy timer continues to run in the absence of packet transmissions during the data session. Turner hands off from the second network to the first network upon expiration of the dormancy timer. Thus the dormancy timer of Turner is different than the dormancy timer of Claim 7. Specifically, Turner does not disclose "...suspending initiation of a dormancy timer that would otherwise be initiated after pre-emption of the packet session" In Turner, the dormancy time continues to runs if no packets are sent and the timer is re-initiated upon transmission of a packet during the data session. Turner also fails to disclose "...initiating the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session." Claim 7 is thus patentably distinguished over the Kussinen, Misra and Turner.

Discussion of Claim 13

Regarding Claim 13, Kuusinen, Misra and Turner fail to suggest a

... method in a wireless communications device, the method comprising:
receiving a network control message;
suspending an active packet session of the wireless communication device in response to receiving the network control message;
suspending a dormancy timer after receiving the network control message.

The re-transmission timer in Kuusinen is different than the “dormancy timer” in the claimed invention. At paragraphs [0012-16], Kussinen describes the re-transmission timer as a packet mode timer that is set when the terminal (or server) transmits a packet. According to Kuusinen, if the re-transmission timer expires before an ACK is received (in response to transmission of the packet), the packet is re-transmitted. The Examiner’s assertion that Kuusinen describes suspending operation of a dormancy timer in paragraphs [0029-32 & 0035-38] is incorrect; Kuusinen merely describes a terminal that transitions from packet mode to circuit operating mode in response to a page indicative of an incoming circuit call.

Claim 13 requires suspending an active packet session of the wireless communication device in response to receiving the network control message and suspending a dormancy timer after receiving the network control message. The re-transmission timer of Kuusinen serves a different purpose, i.e., it causes a packet re-transmission in the absence of a timely ACK). Thus there is no reason for Kuusinen to suspend a dormancy timer after receiving a

network control message that result in suspension of an active packet session. Kuusinen does not disclose a “dormancy timer” that functions as claimed and therefore cannot meet the limitations of Claim 13.

The Examiner’s reliance on Misra for teaching preemption of a packet session to prevent race conditions does not remedy Kuusinen’s failure to disclose a dormancy timer.

Turner describes a wireless communication device (WCD) that hands over from a second network to a first network upon expiration of a dormancy timer run on the WCD. At paragraphs [0100-101], Turner describes initiating a dormancy timer when no packets are sent for a specified time period during an established data session on the second network. In Turner, the dormancy timer continues to run in the absence of packet transmissions during the data session. Turner hands off from the second network to the first network upon expiration of the dormancy timer. Thus the dormancy timer of Turner is different than the dormancy timer of Claim 13. Specifically, Turner does not disclose “...suspending an active packet session of the wireless communication device in response to receiving the network control message” In Turner, the dormancy time continues to runs if no packets are sent and the timer is re-initiated upon transmission of a packet during the data session. Turner also fails to disclose “...suspending a dormancy timer after receiving the network control message.” Claim 13 is thus patentably distinguished over the Kussinen, Misra and Turner.

ZHANG ET AL.
"Enhanced Voice Pre-Emption of
Active Packet Data Services"
Atty. Docket No. CS23995RL

Appl. No. 10/814,831
Confirm. No. 6501
Examiner D. Herrera
Art Unit 3617

Prayer For Relief

In view of any amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

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